

Medieval Women Go to Court: *The Armburgh Papers* and the Role of Women in Court in  
Medieval England

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## Introduction

John Sumpter the younger died in 1420; his inquisition post mortem was held 6 years later at which point in time his sisters Christine and Ellen Sumpter were named as co-heiresses.<sup>1</sup> The two girls proved their age the next year, 1427, about six months apart and married shortly thereafter.<sup>2</sup> If they were legitimate daughters of John Sumpter the elder and his wife Margery, they would have inherited from their mother a half portion of several estates, to share with their aunt Joan Armburgh. But between 1428 and 1432 Joan began to promote the story that Christine and Ellen were actually the bastard daughters of John Sumpter put in place of two legitimate daughters who had died around the same time as their brother.<sup>3</sup> The half portion of inheritance to be split between the two was estimated in the late 1420s to be around £40.<sup>4</sup> What followed was almost two decades' worth of legal disputation, where despite the chancery and courts siding with the younger sisters, Joan and her husband Robert Armburgh continued to fight, and after Joan's death Robert continued the legal battle until his own death. It was only when everyone had died except for the younger daughter Ellen that the dispute was settled, and everything went to Dame Ellen Holt.

This dispute over several decades produced a roll of documents from the Armburghs' perspective that outlines the failure of the English chancery courts to settle a dispute. It gives an early window into the issues of property, marriage, gender roles, and the economic climate of the early fifteenth century from the view of Joan and Robert Armburgh. While the opposite side of

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<sup>1</sup> "Mapping the Medieval Countryside [online] E-CIPM 22-539: John," *King's College London*, 2014, <http://www.inquisitionpostmortem.ac.uk/view/inquisition/22-538/539>.

<sup>2</sup> Ibid.

<sup>3</sup> Joan Armburgh et al *The Armburgh Papers: The Brokholes Inheritance in Warwickshire, Hertfordshire, and Essex, c.1417-c.1453*, ed. Christine Carpenter (Woodbridge: Boydell Press, 1998), 193.

<sup>4</sup> Ibid.

the case is not recorded, the position of Christine and Ellen can be pieced together from other legal sources, including proofs of age and inquisitions post mortem.

These two sources of documents show the agency of women to protect their rights under English law. Joan, Christine, and Ellen fought court battles alongside their husbands and at times took the lead. This agency indicates that gentry and noble women in fifteenth century England were well enough versed in the law to defend their own rights. They all three knew the steps they needed to take to ensure the outcome they desired, although they were not always successful in implementing them. The gap between intention and impact could only be bridged by these women through social connections and their own persuasiveness. Joan and Ellen both appealed to separate patrons and used marriage as a means of gaining connections, indicating that they were aware of the great political networks at work in their locality. While Ellen's side is not well recorded, Joan's attempts to gain patronage and thus the upper hand in court opens a window into what fifteenth century women knew were their rights under English Common Law.

### **Chapter One: Noblewomen's Lives in Late Medieval England**

The stories of medieval noblewomen in late medieval England are of power, land, and the household. The household responsibilities of a medieval noblewoman are not to be confused with the housework of modern American standards. To make such a parallel ignores the fact that the household was the essential unit of economic and political life in medieval England. A medieval noblewoman's life revolved around her position in the household, as a daughter learning the trade, as a wife running a household, and as a widow controlling her own household. The household was the social, economic, and political unit so running a household involved learning skills to navigate a world in which the private was public, and power was private.

#### **Birth to the Altar**

For medieval noblewomen, life's first victory was surviving childhood. Many children died during the first five years of life. Some noble children's births were recorded, but certainly not all or even most. The birthday of Joan de Valence, sister-in-law of Henry III is not recorded.<sup>5</sup> For the nobility, baptism was "a social gathering and celebration."<sup>6</sup> Baptism occurred shortly after birth, and for the nobility it was most often celebrated by a prominent churchman.<sup>7</sup> The godparents were typically other members of the nobility, and created links within the community of affinity.<sup>8</sup> After that it was highly unlikely that a noble daughter was physically cared for by her mother. She was more than likely raised by nurses, who were paid to look after her in the stead of her mother.<sup>9</sup> These nurses were often probably in charge of breast-feeding and caring for the children, and unlike the situation in the Italian world, in England these nurses lived within the noble household.<sup>10</sup> Nurses operated in nurseries watching the children, often born in rapid succession, and the nurseries were important enough that they were often run by gentlewomen.<sup>11</sup> Parents were concerned about the welfare of their children, and were not afraid to sue those they felt had mistreated the children with whom they had been entrusted.<sup>12</sup> Those girls who managed to survive past age five left their family homes and went to begin their educations.

These educations were very different from what children experience in a modern western educational system. After young girls reached adolescence, if they were not yet married they

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<sup>5</sup> Linda E. Mitchell, *Joan de Valence: The Life and Influence of a Thirteenth-Century Noblewoman*, The New Middle Ages (New York: Palgrave Macmillan, 2016), 9.

<sup>6</sup> Jennifer C. Ward, *English Noblewomen in the Later Middle Ages*, Medieval World (New York: Longman, 1992), 94.

<sup>7</sup> Ibid.

<sup>8</sup> Sara M. Butler, *Divorce in Medieval England: From One to Two Persons in Law*, (New York: Routledge, 2013), 19.

<sup>9</sup> Ward, *English Noblewomen in the Later Middle Ages*, 95.

<sup>10</sup> Barbara J Harris, *English Aristocratic Women, 1450-1550: Marriage and Family, Property and Careers* (New York: Oxford University Press, 2002), 29-31.

<sup>11</sup> Ibid.

<sup>12</sup> Butler, *Divorce in Medieval England*, 109.

were sent off to learn how to be a noblewoman.<sup>13</sup> These educations took place either in convents or in the houses of other noblewomen.<sup>14</sup> They included everything from morals, social expectations, connections, to the economics of a household. For parents, sending children to the houses of other noblewomen meant that they could gain valuable social ties, and perhaps give them an in for better marriage opportunities.<sup>15</sup> Often they were trying to put their daughters into the best noble households available, but the most prestigious option was to be part of the Queen's household.<sup>16</sup> This meant that the households of noblewomen were bustling with young children from the family, wards of the nobleman, and children sent to be fostered with the family.<sup>17</sup> A girl growing up in one of these households relied upon her family to provide for her, but her day to day life revolved around growing connections with other sons and daughters of the nobility. Often families spent great sums of money to keep their daughters in a way that befitted their status and to make the most advantageous marriage arrangements.<sup>18</sup>

While she was learning how to run an estate from mistresses and masters, she was also learning how to move about in the social milieu of the upper classes by observing older noblewomen.<sup>19</sup> She did this from a position as a surrogate daughter or as a maid-in-waiting.<sup>20</sup> Ultimately, she was learning to operate in what Barbara Harris called "subordinate agency," that is, she had to learn to exercise authority on large estates while maintaining a position of subordination to a husband.<sup>21</sup> This was probably learned informally by watching older women

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<sup>13</sup> Harris, *English Aristocratic Women*, 39-40.

<sup>14</sup> Ward, *English Noblewomen in the Later Middle Ages*, 95-96.

<sup>15</sup> *Ibid.*, 97.

<sup>16</sup> Harris, *English Aristocratic Women*, 39.

<sup>17</sup> Ward, *English Noblewomen in the Later Middle Ages*, 96-97.

<sup>18</sup> Harris, *English Aristocratic Women*, 41.

<sup>19</sup> Ward, *English Noblewomen in the Later Middle Ages*, 97.

<sup>20</sup> Harris, *English Aristocratic Women*, 40.

<sup>21</sup> *Ibid.*, 28.

around her who were working in the households.<sup>22</sup> In order to achieve this agency she also needed to learn practical skills required to run a household. Young women needed to read at a passing literacy level, to understand basic arithmetic to manage accounts, to sew and weave, to understand the practices of “non-academic, herbal medicine,” to learn the intricacies of household logistics, and to understand property law.<sup>23</sup> Aristocratic women of the highest echelons of society were also expected to learn musical skills, conversational French, and how to operate in courtly and diplomatic circles.<sup>24</sup>

Parents also expected children to learn the morals expected of women during this period, at least per “contemporary prescriptive literature” such as “How the Goodwife Taught Her Daughter.”<sup>25</sup> This said that young women should be raised to value chastity and honesty above all else, which was shown by them learning to be “shamefaced, sober, devout, and meek.”<sup>26</sup> While these were important virtues and skills to learn to function in society and court, it meant that there was a tension between practical and theoretical concerns in the education of a young noblewoman. There was also a difference between the idealized forms of motherhood and what had to happen practically in a noble household.<sup>27</sup> This method of educating young women in other noble households often proved inadequate in protecting a young woman’s chastity and honor.<sup>28</sup> Because the houses were full of men around the same age, and often they were supervised only by servants in the absence of the lady of the house, there were always the

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<sup>22</sup> Ibid., 32.

<sup>23</sup> Ibid., 28-32.

<sup>24</sup> Ibid., 34-36.

<sup>25</sup> Ibid., 27.

<sup>26</sup> Ibid.

<sup>27</sup> Ibid., 30.

<sup>28</sup> Ibid., 40.

dangers of secret courtships and marriages, which would have been a disaster for the parents, both foster and biological, who invested so much in these young women.<sup>29</sup>

The disaster lay in the fact that for many families, the goal for noble daughters was to get them into an advantageous marriage. Marriage strategies were an essential part of distributing property and making alliances, and daughters were at the heart of this system for the nobility. There were different strategies for heiresses and non-heiresses when it came to dealing with the marriage market. And while any daughter could eventually become an heiress due to plague, disease, or untimely deaths, marriage negotiations were based upon her position at the time of the marriage, not what could happen.<sup>30</sup>

For non-heiresses, there were still many contributions that a daughter carried with her when she married into another family, anything from assets to the “political influence” of her father.<sup>31</sup> This influence, however, was not necessarily always something that “altered the interests” of the family into which the daughter was entering.<sup>32</sup> Marriages were meant to serve as ties of political unity and alliance, often solidified by the land and wealth that a daughter brought with her into the marriage, but these were not watertight bonds by any means. The negotiations often started when children were as young as seven, for marriages could not take place until the young lady in question was twelve and the young man fourteen, according to the Church.<sup>33</sup> “Love matches,” like modern Western marriages, were not the goal of noble families, although they must have wanted their daughters to find some affection and happiness in the marriage.<sup>34</sup> A

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<sup>29</sup> Ibid.

<sup>30</sup> S. J. Payling, “The Economics of Marriage in Late Medieval England: The Marriage of Heiresses,” *The Economic History Review* 54, no. 3 (2001): 415.

<sup>31</sup> Harris, *English Aristocratic Women*, 43.

<sup>32</sup> Michael Hicks, “Cement or Solvent? Kinship and Politics in Late Medieval England: The Case of the Nevilles,” *History* 83, no. 269 (1998): 38.

<sup>33</sup> Ward, *English Noblewomen in the Later Middle Ages*, 13.

<sup>34</sup> Ibid., 28.

noble family sought to place its daughters into the highest ranked and wealthiest families available, because this meant securing the greatest living and financial security for the daughters, as well as elevating the connections of the family.<sup>35</sup> This sometimes resulted in marrying “distant and not-so-distant cousins” as a strategy for keeping family lands together.<sup>36</sup> For the family, these were ultimately financial, centering around a dowry that, once it was paid “belonged completely to the groom...the bride had no further claim to it” inside the marriage.<sup>37</sup> Her father might also secure her livelihood in case she was widowed by insisting upon a jointure, in which the couple held all lands jointly and therefore the widow retained full control after the death of her husband.<sup>38</sup> A noblewoman, then, had little to no say in her marriage arrangements, these were controlled by her parents but believed to be for her own and her family’s benefit. She did have the right to repudiate a marriage when she came of age, and divorce was an option based on non-consent.<sup>39</sup> For the most part, however, arranged marriages meant to make a daughter financially secure and she was believed to find affection later in the marriage. And ultimately they were the major way in which noble families could either maintain or rise in rank over time, through “advantageous marriages” that gave a family connections and centralized wealth and power with a few untimely deaths.<sup>40</sup> Marriage negotiations had to be a familial concern, because they resulted in the rise or fall of a family, and it was the daughter’s responsibility to maintain the marriage and the connections between the families, a pressure every noblewoman must have grown up knowing before she ever reached the altar.

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<sup>35</sup> Harris, *English Aristocratic Women*, 43-4.

<sup>36</sup> Mitchell, *Joan De Valence*, 11.

<sup>37</sup> Harris, *English Aristocratic Women*, 44.

<sup>38</sup> Ward, *English Noblewomen in the Later Middle Ages*, 26.

<sup>39</sup> Butler, *Divorce in Medieval England*, 24.

<sup>40</sup> Ward, *English Noblewomen in the Later Middle Ages*, 16.



For heiresses, plans were slightly more complicated. Her father had to balance wanting to place her in the most advantageous marriage against the fact that many men would not want to marry off their heirs to heiresses because of the investment it required.<sup>41</sup> This meant that many heiresses found themselves marrying younger sons, especially as the number of heiresses rose after the Black Death.<sup>42</sup> Her father was also probably anxious “to keep an historic patrimony distinct” which could be accomplished by marrying his heiress daughter off to a landless second son.<sup>43</sup> These second sons, however, were expected to bring the same sort of social advantages that other daughters found in their marriages.<sup>44</sup> In the event that a man had multiple daughters and no sons, the inheritance was split equally between the daughters, which complicated things for sister-heiresses entering the marriage market.<sup>45</sup> An heiress also understood that while the land she was inheriting was technically hers, due to coverture laws the husband that her father chose for her would ultimately be responsible for administering it. Presumably the father also was aware of this, and this must have factored into the choices of grooms for heiresses, as the young man not only acquired “a wife” but “means to support himself....a sphere of local influence and a position....titles to defend” and all the responsibilities that came with being a peer of the realm.<sup>46</sup> For an heiress, her marriage was unlikely to raise the status of the family, but the choice of her spouse was still an essential task to ensure the good governance of the estate.

## Married Life

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<sup>41</sup> Payling, “The Economics of Marriage in Late Medieval England,” 423.

<sup>42</sup> Ibid., 414-418.

<sup>43</sup> Ibid., 417.

<sup>44</sup> Ibid.

<sup>45</sup> Linda E. Mitchell, “The Lady Is a Lord: Noble Widows and Land in Thirteenth-Century Britain,” *Historical Reflections / Réflexions Historiques* 18, no. 1 (1992): 80.

<sup>46</sup> Hicks, “Cement or Solvent? Kinship and Politics in Late Medieval England,” 38.

A noblewoman, then, prepared all her young life to marry and become part of a household. Once she was married, according to the medieval concept of coverture, she and her husband became one person- the husband.<sup>47</sup> At marriage, a woman lost her “legal identity” but that does not mean that she lost all responsibility or could not play a role in the legal system or the practicalities of the noble household.<sup>48</sup> Nor did the loss of a legal persona necessitate the loss of a public role, because in the medieval period, the public/private divide was not a workable model. The household was a “central institution” making “the public/private model...least appropriate” in describing the ways in which duties were shared.<sup>49</sup>

It is important to note that in the medieval period, power was built around a social hierarchy that factored in gender, but to a lesser extent.<sup>50</sup> Because a woman took on the rank of her husband at marriage and became part of the operational management of the estate, she had to be factored into the hierarchy of the world around the couple.<sup>51</sup> A married medieval noblewoman then, operated “with a greater degree of autonomy and influence than a man who occupied a lower social stratum.”<sup>52</sup> If her husband was present, he was above her in the household hierarchy, but if he was not then the lady became the highest ranking member of the household. And paradoxically to the hopes of her family, it appears that “the interests of the nuclear family.... took precedence over those of the wider kindred,” so a woman was expected to have more loyalty to her husband and their children than to her parents.<sup>53</sup> And after her parents passed away

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<sup>47</sup> Butler, *Divorce in Medieval England*, 7.

<sup>48</sup> Ibid.

<sup>49</sup> Mitchell, “The Lady Is a Lord,” 74.

<sup>50</sup> Ibid., 76.

<sup>51</sup> Ibid.

<sup>52</sup> Ibid., 78.

<sup>53</sup> Hicks, “Cement or Solvent? Kinship and Politics in Late Medieval England,” 42.

and she moved away from her siblings, noblewomen “often ceased to be close” with their birth families.<sup>54</sup>

As Jennifer Ward emphasizes, when a lord was “at home, husband and wife participated together” in the household and noble culture.<sup>55</sup> But it was often true that a husband was away, and this meant that the wife was left to govern the household in his absence.<sup>56</sup> A woman was allowed to assume such powers as a “custodian” of her husband’s powers.<sup>57</sup> She oversaw a “complex and hierarchical organization and it was almost completely a male preserve.”<sup>58</sup> She was entrusted with “appointing tenants as estate officials” in her husband’s absence.<sup>59</sup> The household in medieval England was “a community” that “had important social and economic impact on the region.”<sup>60</sup> In running a household, a noblewoman was expected to “exercise hospitality, go on journeys, and maintain her reputation...through displays of power and magnificence” because to maintain her reputation was to also maintain the reputation of her husband’s prestige.<sup>61</sup> That is not to say a woman was completely alone, she had a small core of “female attendants” to serve her.<sup>62</sup> She was also responsible for making purchases for the household on credit and making sure that “money was disbursed” either by herself or “by her financial officials.”<sup>63</sup> She was to make sure that her estate was being managed so that its revenues were able to pay for her household and any credit purchases she had to make.<sup>64</sup> She

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<sup>54</sup> Ward, *English Noblewomen in the Later Middle Ages*, 102.

<sup>55</sup> *Ibid.*, 70.

<sup>56</sup> *Ibid.*, 33.

<sup>57</sup> Mitchell, “The Lady Is a Lord,” 78.

<sup>58</sup> Ward, *English Noblewomen in the Later Middle Ages*, 50.

<sup>59</sup> Mitchell, “The Lady Is a Lord,” 95.

<sup>60</sup> Ward, *English Noblewomen in the Later Middle Ages*, 50.

<sup>61</sup> *Ibid.*

<sup>62</sup> *Ibid.*, 53.

<sup>63</sup> *Ibid.*, 57.

<sup>64</sup> Ward, *English Noblewomen in the Later Middle Ages*, 57.

was expected to be an “efficient administrator” in the frequent absences of her husband as part of her “marital duties.”<sup>65</sup> A woman often had more estate management experience than her husband by the end of their marriage, because men “were often forced to attend the King or go to war” and thus had to leave these tasks to their wives.<sup>66</sup> A noblewoman was also supposed to show hospitality throughout the year as part of her social duties as a great lady.<sup>67</sup> According to Jennifer Ward:

It was the occasion when she displayed the power and status of herself and her family to the locality through the food and drink that she offered, the entertainment she provided, and the splendor and magnificence of her setting. This was an essential part of her lifestyle, whether she was of gentry, knightly, or baronial rank.<sup>68</sup>

Hospitality was provided during religious holidays, and presumably when other nobles were visiting her household.<sup>69</sup> A noblewoman’s account records are particularly useful for showing the nobility that she entertained, and could be useful in understanding the social influence she exercised as a means of private power.<sup>70</sup> Not to mention a noblewoman had friends to entertain and visit herself, as women “highly valued” having “circle of friends...within reach.”<sup>71</sup> These friendships provided her with support and established social connections upon which her husband could capitalize.

A wife would also be responsible for the “skeleton households” that “were maintained at other [family] residences” separately from the “chief residence” of the family.<sup>72</sup> Depending upon the wealth and power of the family, a noblewoman spent her time balancing multiple estates and managers, entertaining visiting nobility or royalty, and was responsible for displays of hospitality

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<sup>65</sup> Mitchell, “The Lady Is a Lord,” 93.

<sup>66</sup> Ibid.

<sup>67</sup> Ward, *English Noblewomen in the Later Middle Ages*, 75.

<sup>68</sup> Ibid.

<sup>69</sup> Ibid., 74.

<sup>70</sup> Ibid., 77.

<sup>71</sup> Ibid., 103.

<sup>72</sup> Ibid., 50.

and power among the local community. For her tenants, she must have seemed to be the lord more often than not, as her role as custodian meant she was the closest many in the household came to meeting the absentee lord. During periods of warfare with France, like in the early fifteenth century, this was particularly apt as husbands were absent on the continent.

Another essential task of a married noblewoman was to produce and raise children and heirs to cement the links her marriage had established. A woman was expected to have sons, and she would have the help of a midwife and the women of her household in the process.<sup>73</sup> Childbirth was a dangerous process for women, regardless of their rank in society. A woman might have to call upon the use of “herbal remedies, charms, rituals, invocations of saints, and physical manipulation” in order to give birth if things were going poorly.<sup>74</sup> The numerous remedies available to women as well as accounts recorded in miracle stories suggest that childbirth was often a terrifying process that always had the chance of going badly. This was also one of the few solely female experiences a noblewoman had during her lifetime, for once she entered her “lying-in” she was in an all-female space until she was allowed to enter the community again.<sup>75</sup>

If a child was born alive, “there was occasion for great rejoicing” for the family and often the community.<sup>76</sup> A child’s baptism was a communal celebration, important for “social gatherings” as well as for later proving the age the child so he or she could inherit.<sup>77</sup> Additionally, because a mother had to be purified before she could re-enter society, medieval

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<sup>73</sup> Ward, 94.

<sup>74</sup> Fiona Harris Stoertz, “Suffering and Survival in Medieval English Childbirth,” in *Medieval Family Roles: A Book of Essays*, ed. Cathy Jorgensen Itnyre (New York: Routledge, 1996), 103.

<sup>75</sup> Harris, *English Aristocratic Women*, 106.

<sup>76</sup> Ward, *English Noblewomen in the Later Middle Ages*, 94.

<sup>77</sup> Ibid.

noblewomen were not able to be at their children's baptisms and confirmations, instead they got their own celebration for the churching of the mother.<sup>78</sup> The joy a woman felt at any rank in society over the birth of a child could be cut short due to widespread infant mortality rates.<sup>79</sup> One can only imagine that for a noblewoman, the loss of a child, especially if the baby was a son and the heir, was devastating. The future of the familial and political alliance her marriage had built rested upon the responsibility of the wife to produce children who lived to adulthood. Most late medieval noblewomen had around four or five children who survived childhood, although the number of children she birthed in general was probably higher.<sup>80</sup>

After the child was born it was unlikely that a noblewoman cared directly for her child.<sup>81</sup> Just as she had been placed in the care of nurses, mistresses, and even foster-mothers, a noblewoman was expected to do the same for her children. She would have been busy traveling between households, court, and dealing with estate management. That is not to assume that she did not still feel maternal love and affection for her children. The expectations for motherhood were that a mother provided for her children at this level by "ensuring that they gained the training and connections" they needed to take their place in the noble milieu.<sup>82</sup> Mothers also missed their children during these separations even if they were expected.<sup>83</sup> The children sent away were also not sent away permanently, they were expected to return "home from time to time."<sup>84</sup> Thus a mother had a bond with her children and was able to check in on them when they returned home.

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<sup>78</sup> Ibid.

<sup>79</sup> Ibid.

<sup>80</sup> Harris, *English Aristocratic Women*, 99.

<sup>81</sup> Ward, *English Noblewomen in the Later Middle Ages*, 95.

<sup>82</sup> Ibid., 107.

<sup>83</sup> Harris, *English Aristocratic Women*, 109.

<sup>84</sup> Ward, *English Noblewomen in the Later Middle Ages*, 95-96.

As their children grew older, noblewomen also played a large role in helping find good matches for their children.<sup>85</sup> While they had to act in tandem with their husbands, medieval noblewomen often were important both in finding future spouses for their children and in negotiations.<sup>86</sup> If the husband died before the children were married, the mother's role in arranging marriage became even more important.<sup>87</sup> Remarriage, and the blended families that often resulted, during the period also meant that a woman could be called upon to help with the arrangements for step-children as well.<sup>88</sup>

Ultimately whether it was household management or raising children, marriage among the nobility was something of a partnership, not unlike the partnership Barbara Hanawalt observed among peasant marriages.<sup>89</sup> Yes, the woman was not a legally equal partner to the husband, but she had an essential complementary role to play and often stepped into his shoes when he was not readily available. Wives were often relied upon when their husbands could not perform tasks even as simple as accessing their own money. Joan de Valence, when her husband was exiled in France, managed to smuggle much of their mutual fortune to him by hiding it among sacks of wool and shipping it to him.<sup>90</sup> This money effectively financed her husband's return to England.<sup>91</sup>

## **Widowhood**

For medieval noblewomen, widowhood was the moment at which they became their most autonomous and often powerful. When a woman's husband died, she was entitled by law to one-

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<sup>85</sup> Harris, *English Aristocratic Women*, 111.

<sup>86</sup> Ibid.

<sup>87</sup> Ibid., 112.

<sup>88</sup> Ibid., 120.

<sup>89</sup> Hanawalt, *Ties that Bound: Peasant Families in Medieval England*, (New York: Oxford University Press, 1986), 205.

<sup>90</sup> Mitchell, *Joan De Valence*, 40.

<sup>91</sup> Ibid., 40-41.

third of his lands through the right of dower.<sup>92</sup> Added to the dower were any lands held in jointure that a widow held in full when her husband died, a practice that increased during the later middle ages.<sup>93</sup> Including inheritances, widows could become “very wealthy noblewomen in the later Middle Ages.”<sup>94</sup> A widow had a right, according to the 1225 Magna Carta, to these financial inheritances “immediately after her husband’s death” and she could not be forced to “pay anything” to come into her inheritance.<sup>95</sup> She also enjoyed a right “to stay in her husband’s house, although not his castle, for forty days.”<sup>96</sup> For widows, the period directly after the death of the husband was a period they were legally protected to sort out their lives moving forward. This also gave them time to focus on the funeral, which it was their responsibility to arrange.<sup>97</sup>

For most women, gaining their financial due was fairly easy, but for those that had to go to court, they could be “remarkably successful litigators.”<sup>98</sup> Widows were able to call upon “legal knowledge, court connections, and business skills” they gained by working alongside their husbands.<sup>99</sup> Often, women were more likely to pursue these cases through the Chancery courts than through the court of Common Pleas.<sup>100</sup> This seems to conflict with the fact that Chancery was perceived as a court system that “showed favour to the dispossessed and the weak.”<sup>101</sup> But a widow who had to fight for her property or dower was not able to exercise the full power and autonomy that her widowhood should have brought her. Women in Chancery court were careful

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<sup>92</sup> Mitchell, “The Lady Is a Lord,” 80.

<sup>93</sup> Ibid., 81.

<sup>94</sup> Ward, *English Noblewomen in the Later Middle Ages*, 37.

<sup>95</sup> Ibid., 36.

<sup>96</sup> Ibid.

<sup>97</sup> Ibid., 34.

<sup>98</sup> Harris, *English Aristocratic Women*, 134-8.

<sup>99</sup> Ibid., 138.

<sup>100</sup> Emma Hawkes, “[S]he will ... protect and defend her right boldly by law and reason.”: Women’s Knowledge of Common Law and Equity Courts in Late-Medieval England,” in *Medieval Women and the Law*, ed Noël James Menuge (Woodbridge: The Boydell Press, 2000), 153.

<sup>101</sup> Ibid.



to construct an image of helplessness, probably as a way to better their chances within the court system.<sup>102</sup> Women also appear to have been crucial in securing the documents needed outside of the court room to be successful in their litigation, implying a working knowledge of the justice system inside and outside of the court.<sup>103</sup>

Securing their own financial fortunes could be seen either as selfish or a means of helping to secure the place of their children and to better support their children. Heirs who were stepsons were the most likely to take action against widows who secured their own financial situation.<sup>104</sup> As widows were often left as executors to protect younger children and especially the dowries of daughters, they frequently quarreled with the heir.<sup>105</sup> If the widow was securing her financial situation to pursue a love match, the self-interest before familial interest could anger the rest of her family.<sup>106</sup> Both Mary Tudor, Queen of France, and Mary Boleyn were in trouble with Henry VIII for making such matches against their families' wishes.<sup>107</sup> This push-back against the wishes of the heirs and their families was what often resulted in accusations of selfishness, while in the case of protecting children at the expense of the heir these women were merely fulfilling their roles as mothers.

Widows could and often did remain on good terms with their children, if not necessarily their step-children.<sup>108</sup> These relationships could be complicated, as stepmothers often meant the heir had more siblings to support.<sup>109</sup> Widows also could act in their own self-interests in opposition to their marital and natal families, causing confusion and strife.<sup>110</sup> This can be seen in

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<sup>102</sup> Ibid., 154.

<sup>103</sup> Ibid., 157-9.

<sup>104</sup> Harris, *English Aristocratic Women*, 135.

<sup>105</sup> Ibid.

<sup>106</sup> Ibid.

<sup>107</sup> Ibid., 166.

<sup>108</sup> Mitchell, "The Lady Is a Lord," 87.

<sup>109</sup> Harris, *English Aristocratic Women*, 135.

<sup>110</sup> Hicks, "Cement or Solvent? Kinship Politics in Late Medieval England," 37.

the choice widows faced to remarry, to be perceived as self-interested or to fulfill obligations they had to their children or the deceased husband's will. A widow had to choose between marrying a man for love in her later marriages or finding a man who could help her fulfill the financial obligations left behind by her previous husband. Mary Tudor, sister of Henry VIII, in marrying Lord Buckingham for love, deprived her brother the king of any new political alliances from her remarriage. Thus, Mary put her own happiness above the good of the kingdom in the eyes of her brother.<sup>111</sup> This choice, between love and the upkeep of the previous husband's honor, was often what was interpreted as a choice between selfishness and the family. In England, unlike in Italy, there was less of an emphasis on the role of the widow's dowry leaving the family and so less pressure to choose between natal and married families.<sup>112</sup> A widow could still move around with her dower portion, but there was less emphasis on the financial situation between the marital and natal families, and thus the widow had more room for agency in her remarriage. Depending on how long she lived, a widow could take a third of her son's inherited property and deliver it into the hands of a step-father, causing family tensions should a woman choose to remarry for companionship instead of necessity.

Whether or not a widow was likely to remarry is still up for debate by scholars. A widow certainly did not have to marry, and according to Linda Mitchell they often did not remarry in the thirteenth century.<sup>113</sup> At the same time, widows who were quite wealthy were often in high demand for remarriage.<sup>114</sup> And they chose to remarry for a variety of reasons. If a mother's duty

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<sup>111</sup> Harris, *English Aristocratic Women*, 166.

<sup>112</sup> Christiane Klapisch-Zuber, "The 'Cruel Mother': Maternity, Widowhood, and Dowry in Florence in the Fourteenth and Fifteenth Centuries," in her *Women, Family, and Ritual in Renaissance Italy*, trans. Lydia Cochrane (Chicago: University of Chicago Press, 1987), 117-131.

<sup>113</sup> Mitchell, "The Lady Is a Lord," 86.

<sup>114</sup> Ward, *English Noblewomen in the Later Middle Ages*, 28.

was to defend her children's inheritances in court, she likely found having a new husband to help her in this legal endeavor quite useful. According to Harris, remarriage was also a way widows gained male help in defending "their property rights and perform their previous spouses' wills."<sup>115</sup> This must be qualified, because it appears that "male assistance was not an overwhelming inducement" for remarriage.<sup>116</sup> That is to say, while it was a benefit, it was not likely to be the deciding factor. The widow also could have remarried for companionship, even to someone of a "lower rank and small fortunes."<sup>117</sup> She might marry a man who served in her late husband's household.<sup>118</sup> Remarriage also came with risks, because widows who remarried reentered coverture and risked mismanagement on the part of the new husband.<sup>119</sup> A widow faced enormous pressure from "families....would-be husbands, and by the Crown" that stopped them from having "free choice of a second or subsequent husband."<sup>120</sup> To combat this pressure, a widow often purchased a license to marry someone of her choice,<sup>121</sup> or make securities that she would not remarry at a later date without permission.<sup>122</sup> For the husband to be, it seems impossible that a second or third marriage was not "motivated by practical considerations" because a widow offered an easy ticket to "social, political, and economic" power in a locality.<sup>123</sup> A widow's choice to remarry was generally influenced by a number of factors then, from her family's desires, to her needs for companionship or legal help. For most widows, the choice probably involved a mixture of many different pressures in various combinations.

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<sup>115</sup> Harris, *English Aristocratic Women*, 164.

<sup>116</sup> Ibid.

<sup>117</sup> Ibid., 166.

<sup>118</sup> Ward, *English Noblewomen in the Later Middle Ages*, 40.

<sup>119</sup> Harris, *English Aristocratic Women*, 162.

<sup>120</sup> Ward, *English Noblewomen in the Later Middle Ages*, 40.

<sup>121</sup> Ibid.

<sup>122</sup> Harris, *English Aristocratic Women*, 161.

<sup>123</sup> Ward, *English Noblewomen in the Later Middle Ages*, 41.

Widows were also expected to fill certain roles as an “extension of their careers as wives.”<sup>124</sup> They were to serve as executors of their husband’s wills, a task that often took years.<sup>125</sup> This task was more complicated if resources were unable to fulfill the terms of the will.<sup>126</sup> They were often appointed to act as guardians of their minor and unmarried children.<sup>127</sup> This reflected a medieval understanding of the importance of the mother in nurturing children.<sup>128</sup> Alternatively, acting as guardian was an extension of the executor function, a caring for the estate of the departed husband as the sort of junior partner who knew what the plans had been originally. Widows, or dowagers, were often seen as working “constructively in support of their children” in the way they ran estates and built up or maintained the family’s power in the local community.<sup>129</sup> They were sometimes responsible for arranging marriages as guardians, although it seems that their “inclination was to favor their daughters over their eldest sons” when planning dowries and their personal bequests.<sup>130</sup> The arrangement of marriages reflects a continuation of the duties of the wife, as examined above, which involved active participation in the selection of future spouses for the children.

As estate managers, widows were able to show off the practical lordship skills they had gained in marriage. While Jennifer Ward claims a woman lacked “formal training for the duties she assumed as a widow,” this seems contradicted by the education most noblewomen received and the fact that they were often entrusted with the estates when their husbands were absent.<sup>131</sup> Widows used this position of power to be generous to their birth families, and many women saw

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<sup>124</sup> Harris, *English Aristocratic Women*, 129.

<sup>125</sup> Ward, *English Noblewomen in the Later Middle Ages*, 34.

<sup>126</sup> Ibid.

<sup>127</sup> Harris, *English Aristocratic Women*, 127.

<sup>128</sup> Butler, *Divorce in Medieval England*, 115.

<sup>129</sup> Ward, *English Noblewomen in the Later Middle Ages*, 39.

<sup>130</sup> Harris, *English Aristocratic Women*, 169.

<sup>131</sup> Ward, *English Noblewomen in the Later Middle Ages*, 34.

this as an opportunity to favor their siblings, especially sisters and their sisters' children.<sup>132</sup> If their husbands died in debt, the widow as estate manager was the one responsible for paying off the debts and settling accounts.<sup>133</sup> Paying off creditors and supporting natal families were both drains on estate finances, and thus widows needed to keep the estates operating smoothly. Widows often focused on "maximizing and collecting their rents" and were unafraid to exploit the resources around them or make capital investments to keep the villages running smoothly.<sup>134</sup> A widow was also responsible for performing the duties of a lord, including "doing business with tenants" and "punishing them for not paying their rents," both of which meant that women wielded authority over many men in the ranks below them.<sup>135</sup> If a widow did not want to manage her estate directly, she had a few different options to pursue besides simply finding another husband. She could appoint a relative from lesser family as part of her household to run the estate.<sup>136</sup> Alternatively she could also lease out the estate to a yeoman knight in order to most efficiently run her lands.<sup>137</sup> That women employed a variety of tactics suggests a wide range of estate savvy on the part of widows. Some women employed various strategies depending on the specific situations of the various manors they inherited, a decision influenced by the stability or regional power structure of the estate in its locality. A widow easily could become a major figure in her community depending upon the inheritance she had and how well she ran her estates and made connections with those around her after her husband's death. Now, "free from coverture," but with lands to manage, widows occupied the roles of both lady and lord in their

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<sup>132</sup> Harris, *English Aristocratic Women*, 128.

<sup>133</sup> Ibid., 155.

<sup>134</sup> Ibid., 145.

<sup>135</sup> Mitchell, "The Lady Is a Lord," 87.

<sup>136</sup> Harris, *English Aristocratic Women*, 149.

<sup>137</sup> Ibid., 147.

communities.<sup>138</sup> Women of the nobility could be called upon by members of their kin network to offer favors and patronage in the form of help in legal disputes or marriage arrangements, a role that continued in widowhood and in which she had more autonomy after the death of her husband.<sup>139</sup> This can be seen in the relationship between the Duchess of Norfolk and Richard Roos, a distant relation of the duchess whom she helped by arranging the marriages of two of his daughters, one of whom married “a member of King Henry VII’s Privy Chamber.”<sup>140</sup>

That is not to say there were not anxieties about the role widows played in society. There were recurring concerns about the possibility of a widow outliving her heir or several of her heirs.<sup>141</sup> Widows occupied a complicated position because they were no longer under the governance of men and were expected to execute the wills of their husbands as well as provide for younger children. This led to concerns on the part of the community about the ability of widows to uphold the wills of their departed spouses, especially because resources could often prove inadequate to do so.<sup>142</sup> There was also anxiety about her lack of chastity during her widowhood, as women did have some access to contraceptive measure and therefore could have hidden any sexual activity they were having while widowed.<sup>143</sup> But it would be also a mistake to overemphasize tensions between widows and society. These women were still entrusted with their husband’s estates. Christine de Pizan uses the role of widows as estate managers to counteract misogynist arguments against women during this period, so it stands to reason that a

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<sup>138</sup> Ibid., 174.

<sup>139</sup> Ibid., 199.

<sup>140</sup> Ibid.

<sup>141</sup> Mitchell, “The Lady Is a Lord,” 89.

<sup>142</sup> Ward, *English Noblewomen in the Later Middle Ages*, 35.

<sup>143</sup> Barbara Hanawalt, *Wealth of Wives: Women, Law, and Economy in Late Medieval London* (Oxford: Oxford University Press, 2007), 111.

noble widow was a figure to be respected.<sup>144</sup> Christine states in her *Book of the City of Ladies* by way of Lady Reason:

Moreover, in reply to those who think that women are lacking in the ability to govern wisely or to establish good customs, I'll give you examples from history of several worthy ladies who mastered these arts. To give you a better idea of what I'm saying, I'll even cite a few women from your own time who were widowed and whose competence in organizing and managing their households after their husbands' deaths attests to the fact that an intelligent woman can succeed in any domain.<sup>145</sup>

This statement was an approval of the role widows played within society, and Christine de Pisan was calling for respect of a woman's skill in estate management. She goes on to cite examples of various queens and empresses who ruled well and helped increase the power of the kingdom of France to support her point that women are just as intelligent as men, although they perform different functions in society.<sup>146</sup>

Practically, widows were extremely powerful figures in the late middle ages. Harris calls widowhood "the culmination of aristocratic women's careers" because this is the moment when they can step into the shoes of the lord.<sup>147</sup> They may have remained legally disadvantaged in certain courts, but outside of the courts widows can be seen gaining control of large estates. This control gave them political capital and economic power to exercise over others, without needing the intermediary of a husband or brother. And for the people they controlled, widows were their lords and ladies at once, able to occupy two different gender spaces. As widows gained more and more power into the later medieval period, then, it becomes clear that there were certain social forces that created a culture which respected the property rights of women. Widows by their extensive control of lands and continuing place in society created a cultural milieu in which the

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<sup>144</sup> Christine de Pizan, *The Book of the City of Ladies*, trans. Rosalind Brown Grant (New York: Penguin Group, 2000), 30.

<sup>145</sup> Ibid.

<sup>146</sup> Ibid., 30-31.

<sup>147</sup> Harris, *English Aristocratic Women*, 127.

role of a woman as an estate manager could be respected and her lordship justified. It was this cultural milieu that would evolve in the early modern period to accept a woman taking on the greatest inheritance of all, the kingdom of England itself, out of a sense of the right of property inheritance. At the upper echelons of society there was anxiety but widows could also prove to be extremely successful landlords. For most of society, the more widows that were acting as lords made it less and less unthinkable that a woman could sit on the throne of England as a sort of landlord, governor, or custodian.

### **Religious Life**

For many noblewomen, the end of life could represent a time to enter into a convent. According to Jennifer Ward, noblewomen always had the capacity to choose to become a nun and retire into a convent, but the decision was not made lightly.<sup>148</sup> There were also changing dynamics in religion that may have made it less prevalent during the later medieval period to see women entering into convents, namely the rise in lay affective piety and mysticism. For some the call to a convent might result in a retirement, as this was not an uncommon path to see queens take throughout the medieval period.

If a noblewoman entered a convent as a child, she frequently became an abbess, and was able to exercise the position of landlord similar to that of a noble widow.<sup>149</sup> How common this actually was for women by the later medieval period in England is still being debated. For Joan and Ellen and the other women who chose marriage instead of entering a convent, however, there were still many paths to express piety. Noblewomen expressed religiosity through charitable giving during their lives and bequests in their wills.<sup>150</sup> Some took vows of chastity as

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<sup>148</sup> Ward, *English Noblewomen in the Later Middle Ages*, 43.

<sup>149</sup> Ibid., 143.

<sup>150</sup> Ibid., 143.



widows, as Margaret Beaufort did, instead of entering a convent fully.<sup>151</sup> This allowed these women to still operate in the social and political world while still looking towards the futures of their souls. Many later medieval women experienced piety in marriage through church patronage and religious books.<sup>152</sup> Women often owned Books of Hours, psalters, or carried relics with them to experience religion in their daily lives.<sup>153</sup> She might also go on pilgrimage or reverence a specific saint privately.<sup>154</sup>

Noblewomen also had public, social roles to play in religion by supporting chapels, parish churches, and making offerings on behalf of the household.<sup>155</sup> These offerings would have not only adorned the churches and chapels they supported but also been for the benefit of the souls of the entire household. They also could have been a commemorative gesture. Many women were motivated to donations by a desire to ensure prayers were said for their souls and their family members' souls.<sup>156</sup> Finally, religious patronage in “new buildings and tombs” was a last means of “family glorification.”<sup>157</sup> For noblewomen, religion was about both piety and patronage, and their roles within the church reflected that duality. They were on the one hand taking care of their own souls for the next life while also using patronage to ensure the continued existence of the honor of their marital families.

### **A Note on the Gentry**

It should be noted that Joan Armburgh and Ellen Holt were not pure nobility but in fact members of the gentry. While much of the lives of medieval noblewomen would have mirrored

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<sup>151</sup> Ibid., 144.

<sup>152</sup> Ibid., 145.

<sup>153</sup> Ibid., 145.

<sup>154</sup> Ibid., 146.

<sup>155</sup> Ibid., 147-8.

<sup>156</sup> Ibid., 149.

<sup>157</sup> Ibid., 153.

their own lives, there are still certain qualifications that have to be teased apart. According to Peter Coss, by 1200 “knighthood was a widely held social distinction” and with over 5000 knights by that time in England.<sup>158</sup> Knights ranged from military figures to men attached to lordly households, and often “performed important civilian duties, including providing juries.”<sup>159</sup> By the time of Joan, there were only close to 1500 knightly land holdings left, and the gentry had become a much smaller section of society of “small landed elite.”<sup>160</sup> This was due to a concern by the upper echelons of society about the aspirations of the landless knights of the earlier period, and forced those families which could not keep up with the financial expectations of knighthood out of the gentry.<sup>161</sup> During Joan’s lifetime “only the peers were considered truly noble....the English gentry...enjoyed mere gentility, a water-down version, as it were, of nobility.”<sup>162</sup> As far as social standing goes, then, Joan was not at the same level as a woman of the nobility, but with her holdings on estates it was likely that many of her concerns about law, property, and inheritance were similar.

For the gentry, the knights were the highest of the graded classes of gentlemen, and their wives took on their husband’s status at marriage, even if she was originally of a higher rank.<sup>163</sup> A gentry couple would have traded their deference to a lord for “social cachet” and patronage to help them succeed in their economic and social endeavors.<sup>164</sup> Service to a lord was an important part of the gentry life and considered honorable for both parties.<sup>165</sup> It was also essential that a

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<sup>158</sup> Peter Coss, “An age of deference,” in *A Social History of England: 1200-1500*, ed. Rosemary Horrox and W. Mark Ormrod (Cambridge: Cambridge University Press, 2006), 36.

<sup>159</sup> Ibid., 37.

<sup>160</sup> Ibid.

<sup>161</sup> Ibid., 37-8.

<sup>162</sup> Ibid., 41.

<sup>163</sup> Ibid., 42.

<sup>164</sup> Ibid., 43.

<sup>165</sup> Ibid., 44.

gentleman be able to show some lordship over others to maintain his prestige.<sup>166</sup> The gentry then were in a particularly precarious position socially, one that required a continued control of their social and financial resources to stay among gentle society or risked falling to the level of the tenant farmers.

## **Chapter Two: Joan Armburgh's Adventures**

### **The Dispute in Short**

The greater part of Joan Armburgh's life centered around a dispute to control the property she inherited from her parents, the Brokhole, Roos, and Mancetter estates. She split this inheritance equally with her sister, Margery Sumpter, who died before the two came into their inheritance. This meant Margery's claim was passed on to her son, John Sumpter the younger. Upon his death in 1420, the land of his portion fell into dispute. It either belonged to his two sisters to split equally, or, if they were not legitimate daughters of Margery Sumpter, the property reverted to Joan in its entirety. For twenty years of legal battles, the case hinged upon the legitimacy of the specific Ellen and Christine Sumpter who appeared in court and their attempts to prove their claims while the Armburghs conducted a campaign that smeared their reputations as bastards.

### **Heiress, Wife, Mother**

Joan, daughter of Sir Geoffrey Brokhole<sup>167</sup> and Dame Ellen de Roos, was born an heiress to the combined estates of the Brokhole, Mancetter, and Roos families.<sup>168</sup> These estates stretched

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<sup>166</sup> Ibid., 69.

<sup>167</sup> The date of Geoffrey Brokhole's death remains unknown, as his inquisition post mortem does not appear in the national archives records and may have been lost.

<sup>168</sup> Christine Carpenter, introduction to *The Armburgh Papers*, ed. Christine Carpenter (Woodbridge: The Boydell Press, 1998), 4-5.

across three counties: Essex, Hertfordshire, and Warwickshire.<sup>169</sup> Joan was not a sole heiress, however, but coheiress with her sister Margery.<sup>170</sup> Ellen de Roos retained control of the property until her death in 1419, making the heiress state of the daughters something promised in the future, although it is unclear how long Ellen de Roos held the estates after her husband's death.<sup>171</sup> Joan's status as an heiress to two lines of knightly property must have made her an attractive bride, and sometime before 1406 she was married to Sir Philip Kedington.<sup>172</sup> This marriage made Joan a mother; she had two surviving children that are spoken of in the Armburgh Papers (hereafter AP), Robert and Margaret.<sup>173</sup> Taking care of these children later in life caused her third husband, Robert Armburgh, numerous financial problems.

Joan was quick later in life to stick up for her rights to her inheritance. Writing to Lady Ellen Ferrers, Joan did not mince words about her rights. She described her disputed rights to the properties:

and schuld haue departyd with me my modres Dame Elyn Brokholes enheritance,  
sumtyme the wyf of my fader Sire Geffrey Brokhole, heire to the thredde part of the  
maner of Mancestre in Warwyk schire<sup>174</sup>

Her inheritance as described here, was matrilineal; she owned it by right of her mother who acquired it by through her own inheritance and her marriage to Geoffrey Brokhole. Per inheritance practices of the time, Joan should have been an heiress by right of both of her parents and in control of at least a third of her father's property from the time he died.<sup>175</sup> But the reality of the situation is that she was not in control of any of the inheritance due to her until after the

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<sup>169</sup> Ibid., 5.

<sup>170</sup> Ibid.

<sup>171</sup> Ibid.

<sup>172</sup> Ibid., 10.

<sup>173</sup> Ibid., 9.

<sup>174</sup> Armburgh et al., *The Armburgh Papers*, 92.

<sup>175</sup> Hanawalt, *The Wealth of Wives*, 61.

death of her mother. Moreover, after her sister died she became co-heiress with her nephew, and the splitting of the properties required careful assessment at the time of Ellen de Roos's death.

There is almost no record within the AP itself of Joan's life with Philip Kedington. Certainly, some things can be assumed based upon her rank in society as a knight's daughter and a knight's wife. She was probably invested with a dowry by her father before or upon his death and once she married into Kedington's family she made connections to the marital family and took up its interests. These early interests can be seen in Joan's choice of heirs in her final will, settling her property upon Joan and John Palmer.<sup>176</sup> While their identity is "almost impossible to establish" they seem to have been connected with the Kedington family as opposed to the Brokehole family.<sup>177</sup> They probably were simply the Kedingtons operating by a different name, as surnames still seem to be slightly fluid in the period.<sup>178</sup> It is also possible that these were descendants of a daughter of Philip's that was not also Joan's.<sup>179</sup> Either way, these were the children that Joan chose to privilege in her will after a long and drawn out legal battle with the purported daughters of her own sister. Based upon her later interactions with her sister's husband it is likely that Joan followed the pattern of the "notorious Neville dowagers" by adopting the interests of her new nuclear family as opposed to "her original family."<sup>180</sup> Typically, unlike Joan or the Neville widows, noblewomen were more likely to leave land to their natal family's descendants if they did not have children of their own.<sup>181</sup> Leaving property to a marital descendant, though not unheard of, was far less likely. Joan's choice of heirs indicated a strong preference towards the marital family as opposed to the paternal family.

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<sup>176</sup> Carpenter, introduction to the *Armburgh Papers*, 31.

<sup>177</sup> Ibid.

<sup>178</sup> Ibid.

<sup>179</sup> Ibid., 33.

<sup>180</sup> Hicks, "Cement or Solvent? Kinship and Politics in Late Medieval England," 37.

<sup>181</sup> Harris, *English Aristocratic Women*, 128.

Her experience as a child was not recorded, nor her experience of childbirth. Her daughter, however, wrote to her stepfather and described a childbirth that probably was typical for Joan as well. Margaret was concerned primarily with having “onest beddyng” to use for her time of lying in.<sup>182</sup> This was because “ladyes and gentilwemen and other frendys of my modres and yn are lyk to visit me while I ly ynne childe bende.”<sup>183</sup> The understanding was that Margaret would be attended by these women, her friends and also those women who were probably the elder women of the community. Joan was probably attended by her own mother, who certainly lived through the birth of Robert and Margaret Kedington.<sup>184</sup> She was likely attended by the other knights’ wives in the neighborhood during her lying in period or during the birth. The scene described by Margaret was a veritable community of women during this shared experience, and Margaret’s role in motherhood helped her secure connections down the line for godparents for her children.<sup>185</sup>

Overall the effects of this period were felt throughout Joan’s life, but there is very little within the AP to give insight to what kind of life Joan lived as wife of Philip Kedington. Without sufficient evidence to point to the contrary, she more than likely spent this period running the household and raising her children, as was the typical experience of the noblewoman. While it is likely that her marriage with Philip was arranged, it is possible that before he died they were very fond of each other. But ultimately Philip died between 1406 and 1410 and left her with a son who was a minor.<sup>186</sup>

### **Widow, Wife, Widow**

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<sup>182</sup> Armburgh et al., *The Armburgh Papers*, 127.

<sup>183</sup> Ibid.

<sup>184</sup> It should be noted that according to a letter from Robert Kedington, he did have other siblings, but none of them made it to adulthood. Nor do they appear to have lived long after Philip Kedington died.

<sup>185</sup> Stoertz, “Suffering and Survival in Medieval English Childbirth,” 101-120.

<sup>186</sup> Carpenter, introduction to the *Armburgh Papers*, 10.

Joan's life changed again with the death of her first husband, Philip. According to her son, Robert Kedington, his godfather, Thomas Blendyssh, made Joan's first widowhood a waking nightmare. Blendyssh was accused of going against Philip's wishes and plans. Philip had, "a lytill a fore that he deyde, fefyd [Blendyssh] with other in all the londys and tenementis that he had."<sup>187</sup> Philip's plan was that his good friend would then turn around and "refeffyd my moder [Joan] and me [Robert Kedington] and my brederen, yf thei had leued."<sup>188</sup> This plan would have given Joan control of the property without having to pay taxes on her husband's estate, but the land was technically given away to Blendyssh and was his to enfeoff as he pleased.<sup>189</sup> Because there was no common-law writ to enforce the agreement made over use by Blendyssh and Kedington, Joan would have to pursue a lengthier process via the "equity courts" if Blendyssh did not uphold his end of the bargain.<sup>190</sup> Unfortunately for Joan, Blendyssh did not follow the plan and instead kidnapped her son and took him to a nearby earl, the earl of Oxford.<sup>191</sup> According to Robert Kedington, during this time Joan was kept away from controlling any of her children or raising them.<sup>192</sup> He wrote "thorgh youre vntrogh the erle hyndud and vnded so my moder at that tyme that sche was neuer in power to helpe ne fordere me ne none of here childryn in to this tyme" in his accusation letter to Blendyssh now that Kedington was an adult.<sup>193</sup> Blendyssh also took the profits from the lands left by Philip to provide his daughter with a dowry.<sup>194</sup> Without this, it was almost impossible for Joan to secure a marriage for her daughter, even though she had control of her physically. On the other hand,

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<sup>187</sup> Armburgh et al., *The Armburgh Papers*, 90.

<sup>188</sup> Ibid., 90.

<sup>189</sup> "Use," *Encyclopædia Britannica, inc.*, July 20, 1998, <https://www.britannica.com/topic/use>.

<sup>190</sup> Ibid.

<sup>191</sup> Armburgh et al., *The Armburgh Papers*, 91.

<sup>192</sup> Ibid.

<sup>193</sup> Ibid.

<sup>194</sup> Ibid.

Blendyssh might have been justified in taking the children, as legally their mother had no right to them automatically. It was also possible that Blendyssh was following the orders of his lord, the Earl of Oxford, who might have had the right as the feudal lord to the guardianship of Robert Kedington. Nevertheless, Joan not having access to her husband's lands made it impossible for her to carry out the essential functions of a widow in fulfilling his last will and testament.

It is unclear when Joan decided to remarry or for what reasons, but by 1419 when Ellen Brokhole died, she had been married to Thomas Aspoll since at least 1411.<sup>195</sup> Joan as a widow and an heiress should have had access to much of her property from her first husband and from her father, but she had control of neither when she married Aspoll. Aspoll had to borrow money in order to fund his expedition with the king, although given the estates to which Joan had a right, her husband should not have entered into debt.<sup>196</sup> It is possible that her marriage to him was motivated by a desire to have someone go to court with her case or to deal with the troublesome friends of her late husband and to get her children back.<sup>197</sup>

Whatever her reasoning for the marriage, Thomas Aspoll was a disaster as a husband for Joan. She ended up having to deal with problems arising with prisoners he captured in France and the loss of their ransom.<sup>198</sup> As ransom was an important means of making money from warfare, it was important for Joan to ensure that her husband was making all the profit he could from his expedition as part of the wars in France under Henry V. She complained to a London merchant that her husband's prisoner was "remevyd...owte of the gate howse of Wes[t]m[inster] in to the Kyngs Bench and a ganst lawe of armys and alle manere of lawes."<sup>199</sup> Joan was arguing

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<sup>195</sup> Ibid., 78.

<sup>196</sup> Ibid.

<sup>197</sup> The debate over whether or not a woman would have remarried is discussed above in the background information on noblewomen.

<sup>198</sup> Armburgh et al., *The Armburgh Papers*, 75.

<sup>199</sup> Ibid., 75-6.



that the removal of the prisoner from her husband's captivity was in fact illegal and therefore she needed the help of the recipient of the letter in regaining control of the situation. She argued that because the offenders "delyuerd hym by a proclamacion, where as by the comyn lawe there schulde be no prisoner be delyuerd by proclamacion of feloynye," which went against the Common Law to free Aspoll's prisoners of war.<sup>200</sup> Joan explained that a prisoner could only be removed "for dette, trespasse or suspessyon of felonye" according to the law.<sup>201</sup> This knowledge of the law suggests that Joan, who was presumably separated from her husband at this point, was knowledgeable in her own right about the law. What is remarkable in this passage was a woman's knowledge of law outside of the customs of inheritance, knowledge which arguably was passed on from mother to daughter as an essential part of training for widowhood. Instead this was a working knowledge of the laws of warfare, at a time which coincided with the revival of the Hundred Year's War by Henry V.<sup>202</sup> Joan and other women were learning about law far beyond the realm of a woman, a feat considering that legal documents were recorded in Latin. It is possible Joan received this information from her husband or another male relative, but she still had to understand it enough to employ it in a letter of her own writing to attempt to convince a patron to help her.

Thomas Aspoll was also a disaster due to the debt he put upon Joan, a debt that she carried into her third and final marriage once Aspoll died. Joan owed a debt of at least £27 due to Thomas's adventures in the wars in France.<sup>203</sup> In terms of today's money (2005-2017), this is somewhere between £12,000 and £19,000 in debt.<sup>204</sup> This amount of debt was crushing for a

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<sup>200</sup> Ibid., 76.

<sup>201</sup> Ibid.

<sup>202</sup> A.J. Pollard, *Late Medieval England 1399-1509* (Harlow: Pearson Education Limited, 2000), 74.

<sup>203</sup> Armburgh et al., *The Armburgh Papers*, 78-9.

<sup>204</sup> "Five Ways to Compute the Relative Value of a UK Pound Amount, 1270 to Present," *MeasuringWorth.com*, 2017, <https://www.measuringworth.com/ukcompare/relativevalue.php>.

widow who also had struggled to gain control of her lands from her first husband, had no guardianship of her husband's son, and also had yet to come into her own inheritance. But to anyone not intimately familiar with the financial situation of Joan Aspall, she must have seemed an ideal candidate for marriage. She was an heiress in her own right as well as a woman twice widowed who should have gained a good portion of money in her dower.

### **Heiress, Wife, Plaintiff**

This papered over attractiveness may have been what allowed Joan to wed Robert Armburgh. She probably needed a male by this point in her legal career, as a widow in great debt without easy access to the properties she should have inherited from her mother. Her claims to wealth, as expressed by her inquisition post mortem, made her seem like a great marriage if her husband was unaware of the debt she owed from her second marriage. Even only holding half the inheritance from her mother, she would have had a yearly income of £24, 5 s. and 22 d. every year by the time of her third marriage.<sup>205</sup> In 2017, this was an annual income of around £17,000.<sup>206</sup> Had her holdings been of the whole inheritance of Brokholes, Roos, and Overhall her yearly inheritance would have been £30, 5 s., and 2 d. for an income today of as high as £22,000.<sup>207</sup>

Before she married Robert, Joan had become a landowner in her own right because her mother died in 1419.<sup>208</sup> At the time she was a new widow, and her coheir was John Sumpter the younger, son of her deceased sister Margery.<sup>209</sup> As Joan was a widow at the time, she herself

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<sup>205</sup>“Mapping the Medieval Countryside [online] E-CIPM 26-211: Joan the late wife of Robert Armeburgh, Esquire,” *King's College London*, 2014, <http://www.inquisitionspostmortem.ac.uk/view/inquisition/26-211/>.

<sup>206</sup>“Five Ways to Compute the Relative Value of a UK Pound Amount, 1270 to Present.”

<sup>207</sup> Ibid.

<sup>208</sup> Carpenter, introduction to *The Armburgh Papers*, 5.

<sup>209</sup> Armburgh et al., *The Armburgh Papers*, 193.

explained that “John Sumpter of Essex [the younger] and Johane the wife of Robert armeburgh while sche was wydue were bounde eche to other in an obligacion...”<sup>210</sup> This indicated that Joan was tied to her sister’s family so long as her young nephew was alive. Upon his death, however, Joan and the elder John Sumpter (of Colchester) were unable to continue a working familial relationship to maintain the property. Joan claims that it was at this moment that John began to lie to others and brought out two illegitimate daughters.

the which John Sumpter and Margery hadde issu Cristine and Elyne, these Cristine and Elyne deyden aboute Lammesse was viij yere, the which John Sumpter the fader ded berye by nyght and toke ij bastarde doughters of his owne and put hem oute to his frendys in to the countre and made the contre beleve that thei were the same that he had by his wyfe...and made hem be founde by an inquisicion takyn be fore the eschetour mulirers and copersoners with the said Johane of alle the londs<sup>211</sup>

Joan wrote about this incident herself in an official statement. She accused her brother-in-law of not only depriving her true nieces of a Christian burial but also of installing two bastard daughters as the children of Margery and therefore co-heiresses with Joan. This would have allowed John to continue controlling half of the property as he would have for his son who was below the age of inheritance. What Joan did not reveal in her statement is that this occurred over a six year time frame and that during this time she married Robert Armburgh. Her marriage to Robert Armburgh occurred during 1420, the same year that John Sumpter the younger died.<sup>212</sup>

Unfortunately for Robert, he learned within a week that Joan was deeply in debt. He was arrested within a week, although the couple maintained that the creditor was deceitful in doing so. The court case between Robert, Joan, and her creditor Richard Ketford extended into the first few years of her third marriage, and the couple maintained throughout that these chargers were

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<sup>210</sup> Ibid., 194.

<sup>211</sup> Ibid., 193.

<sup>212</sup> Ibid., 79.

all falsified.<sup>213</sup> It is worth noting, however, that this court case was probably expensive and if Joan was in debt to others as well this would only have made matters of her inheritance more desperate. Robert likely had little to offer Joan in terms of money or land. He wrote often to William Armburgh, presumably his older brother, asking for money when the family was no longer able to afford the upkeep of Joan's daughter Margaret.<sup>214</sup>

Joan herself remained active in the court cases even after she married Robert. She petitioned chancery when Ellen remarried, and reiterated her claims that Ellen and Christine were bastards and not daughters of her sister Margery.<sup>215</sup> She insisted that the godparents for these two girls should be found in order to prove that they are who they say they are.<sup>216</sup> If Chancery went through with this request, it would have required disrupting the community by bringing in six different members to testify about the identity of the young women in question.<sup>217</sup> Whether or not Joan was correct, this action cannot have endeared her to the neighbors whose lives she disrupted with her familial disputes. If Joan was not telling the truth, there must have been annoyance within the community that she was circumventing the proper customs of inheritance to suit her own needs financially.

Joan also attempted to secure patronage for her case when her husband proved to be losing the battle for patronage with the husbands of her nieces. In 1428, she wrote to a noblewoman, Lady Ellen Ferrers of Chartley, with whom she claimed to have a kinship connection.<sup>218</sup> Speaking to another woman she emphasized the importance of her inheritance

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<sup>213</sup> Ibid., 86.

<sup>214</sup> Ibid., 127.

<sup>215</sup> Ibid., 87-88.

<sup>216</sup> Ibid., 88.

<sup>217</sup> Each child would have received three distinct godparents during baptism and another three at confirmation. Even if just the baptismal godparents were called for both daughters this would require all six people to come to court. Butler, *Divorce in Late Medieval England*, 19.

<sup>218</sup> Armburgh et al., *The Armburgh Papers*, 92.

from her “modres Dame Eln Brokholes enheritance, sumtyme the wyf of my fader Sire Geffrey Brokhole.”<sup>219</sup> While she mentioned her father, from whom she had half of her inheritance, she emphasized the connection between mother and daughter to Lady Ferrers. She asked her to “consideren this gret wrong done to me youre meke and pouer kynneswoman” because she has had her land taken from her by a conspiracy of the chancellor’s men and the escheator.<sup>220</sup> Joan also promoted her story that the daughters are illegitimate, and she must be recommended for keeping her story the same over time, whether or not it was accurate.<sup>221</sup> This was also one of the few letters that Joan wrote which is respectful in tone and clearly shows that she understood in this situation she needed to be flattering to a noblewoman in order to gain the help she so desperately needed in this situation. Joan wrote that Lady Ferrers was “My righth worschipfull and graciouse lady, I recomaunde me to yow as lowly as I am or may deuyse” both elevating Lady Ferrers as her social superior and referring to herself as lowly to emphasize her own humility.<sup>222</sup> In other circumstances, she was less than flattering to those she perceived as unhelpful. When addressing a servant of her deceased mother, Joan was scathing in her greeting. She sent to the former servant “[b]are frende in such maner wise as thou has deseruyd I grete the, for as moch as yt is not vnkowen to the and oopynly knowen in all the cuntre” because he had betrayed her to the Sumpter cause.<sup>223</sup> The tone shift shows that Joan was aware of her place in society in relation to others and was willing to change her tone with speaking with her social superiors in an attempt to get what she needed, namely patronage.

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<sup>219</sup> Ibid.

<sup>220</sup> Ibid.

<sup>221</sup> Ibid.

<sup>222</sup> Ibid.

<sup>223</sup> Ibid., 120.

Joan was also not afraid, it appears, to send letters to those people within the community that she felt had betrayed her. Between 1429 and 1430 three letters were sent by the Armburghs, one definitely from Joan and the other two most likely came from Joan because of the discussion of the childhood home and connection with the intended recipient. While Joan began the first letter with “My dere frendis” she threatened to “vndo you at the vtmost” should the recipient make any deals with the Sumpter daughters.<sup>224</sup> If Joan was indeed friends with the person in question, it is hard to believe she maintained the friendship after this letter, but it does demonstrate the lengths she was willing to go to maintain the property she thought was hers. In the second letter, which is definitely from Joan, she threatened to have her mother’s former servant hanged “on a peire of galwys.”<sup>225</sup> In the third letter Joan said that she would “do the werst that I can do to you by comyn lawe” to the person at Radwinter apparently consorting with the Sumpter siblings.<sup>226</sup> The three letters are alike in their tone and level of anger and suggest a woman who was ready to use both the means within the law and outside of the law to get what she wanted.

Unfortunately for Joan, despite fighting from 1426 to 1443, the dispute was not resolved within her lifetime. In November 1443 Joan died and left her estate divided between the Palmers, presumably related to Philip Kedington as grandchildren or children of his siblings, a cousin, and Robert Armburgh.<sup>227</sup> Her husband, Robert, continued to fight the legal battle, presumably either to increase his own holdings or because he truly believed the rights of his wife to the property had been usurped. He pursued it all the way to Parliament, petitioning the king because Robert

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<sup>224</sup> Ibid.

<sup>225</sup> Ibid., 123.

<sup>226</sup> Ibid., 124.

<sup>227</sup> Carpenter, introduction to the *Armburgh Papers*, 32-33.

was not powerful enough within the community to have his claim pursued.<sup>228</sup> For Joan, her legacy was one of many legal battles and must have resulted in an alienation of the community. As Peter Coss notes “those with the greater stake in society desired social harmony most” and it seems likely that the surrounding gentry were generally tired of the dispute by the 1450s.<sup>229</sup> It is also worth noting that “social tensions and jealousies that could result from the uppitness of neighbours who were once equals” probably caused the community to turn on a couple like Robert and Joan.<sup>230</sup> After 20 years, there must have been a sense that no matter who was right, it was disrupting the local economy and needed to be ended.

### **Chapter Three: Ellen and Christine, Sister Defendants**

#### **Legal Identities and Marriage**

For Ellen and Christine Sumpter, the story of their inheritance was much the opposite of Joan's. The daughters maintained that they were the actual daughters of Margery Sumpter and John Sumpter. In fact, their stories seem to have been fairly well supported by the community at large. When Ellen and Christine were asked to provide proofs of age they had a wide range of communal support and witnesses. For Christine's proof of age, at least eight different men testified their memories about the date of her birth and that she was over 15 years of age by 1427.<sup>231</sup> For Ellen's proof of age, eleven men testified to remembering her birth and baptism.<sup>232</sup> While it is possible that the story followed Joan's account, that these girls were switched out for the real daughters, it seems unlikely that John Sumpter fooled nineteen different men in his

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<sup>228</sup> Armburgh et al., *The Armburgh Papers*, 191.

<sup>229</sup> Coss, “An age of deference,” 59.

<sup>230</sup> Ibid., 66.

<sup>231</sup> “Mapping the Medieval Countryside [online] E-CIPM 22-829: Cristine,” *King's College London*, 2014, <http://www.inquisitionspostmortem.ac.uk/view/inquisition/22-829>.

<sup>232</sup> “Mapping the Medieval Countryside [online] E-CIPM 22-830: Ellen,” *King's College London*, 2014, <http://www.inquisitionspostmortem.ac.uk/view/inquisition/22-830>.

community. In a world without privacy it is not plausible to imagine that John Sumpter kept secrets of that magnitude from the community. It also seems unlikely that John organized a conspiracy that widespread in order to get two bastard daughters into inheritances, especially when Joan could not find even one of those nineteen jurors to testify in Chancery that they had given false witness at the earlier inquisition. It also remains poignant that two young women spent most, if not the entirety, of their adult lives fighting for their claimed identities. If they were Margery's daughters, then they were fighting against their own aunt who at numerous turns attempted to disown them and deprive them of the matrilineal heritage that Joan herself prized.

The strategies made to secure the daughters' property and maintain their identity can be seen in the choices that were made in their marriages. Christine was married to a man named Thomas Bernard, of an important family in Suffolk.<sup>233</sup> This would have allowed the daughters to secure important patronage networks necessary in pursuing an expensive lawsuit for any extended period of time. Ellen, on the other hand, was married to a man named James Bellers, whose connections proved even more important to the family.<sup>234</sup> His father had been an escheator in Warwickshire and therefore was able to help the daughters establish their age, or so the Armburghs believed.<sup>235</sup> Both Bernard and Bellers were part of a social group that involved the escheators of the counties in which there were properties up for debate in the dispute.<sup>236</sup> Bernard was also involved in the chancery courts by virtue of his role as "squire of the chancellors."<sup>237</sup> James Bellers eventually became a servant of the Archbishop of York, one of the most powerful political figures in the kingdom.<sup>238</sup> These connections showed a concerted effort

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<sup>233</sup> Carpenter, introduction to *The Armburgh Papers*, 7.

<sup>234</sup> Ibid.

<sup>235</sup> Ibid.

<sup>236</sup> Ibid., 8.

<sup>237</sup> Ibid.

<sup>238</sup> Ibid.



on the part of John Sumpter to allow his daughters to make the best legal cases possible. And it seems unlikely that these well-connected men risked marrying women who would eventually be ousted from wealthy properties as imposters.

Unfortunately for the daughters, their marriages were good strategies in the late 1420s but they did not remain matches of lasting value. Christine was dead by 1432, shortly after the death of her father, leaving her sister without an important family connection or a co-defendant.<sup>239</sup> Ellen, left with her husband James, had to be her own advocate in the struggle for the properties. After incurring debts, James eventually went to Normandy to fight in the wars there to gain a profit, according to the AP.<sup>240</sup> Then, according to presumably Joan, James committed treason against his own people and attacked an English guard and was beheaded while in France.<sup>241</sup> If the Armburgh account is to be believed, then Ellen also figured out how not to lose her properties after the disgrace of her husband and had to get herself out of debts incurred by him. This must have increased her desperation to secure properties that she claimed were rightfully hers.

Ellen's second marriage was of her own arranging. She married Ralph Holt in 1439, three years after the death of her first husband and probably as an attempt to escape her overbearing father-in-law.<sup>242</sup> Her father-in-law, Ralph Bellers, was helping her secure loans and money for her court struggles against her aunt, but at the price that he and his friends became her

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<sup>239</sup> Armburgh et al., *The Armburgh Papers*, 61.

<sup>240</sup> Ibid., 66.

<sup>241</sup> Ibid., 66.

<sup>242</sup> Carpenter, introduction to *The Armburgh Paper*, 29.

feoffees.<sup>243</sup> By 1441, however, Bellers had died and Ellen Holt was now in control of one half of the property, her young nephew from her sister, Christine, having died in 1436.<sup>244</sup>

Ellen, by the end of the dispute, stood to inherit everything. In 1453, she outlasted the last of the claimants to the Brokholes inheritance with the death of Robert.<sup>245</sup> Her sister and her nephew were both dead, and all of Joan's line was gone as well.<sup>246</sup> "The ways of nature," as Christine Carpenter put it, led to Ellen inheriting the entire property again even if there had never been a long and drawn out legal dispute.<sup>247</sup> It seems somehow poetic that the property, united by Ellen de Roos marriage was to pass to her namesake granddaughter.

### **Legal and Extra-Legal Strategies**

What seems clear from the cases of Ellen, Christine, and Joan is that while they were all three important actors in deciding their own fates, they had to act in many cases outside of the court of law. Joan Armburgh, after she had married Robert, could not appear by herself in court due to coverture expectations<sup>248</sup>, although she petitioned her property to chancery as it was not as bound by Common Law.<sup>249</sup> To make up for Robert's inability to gain patronage within the legal system, it was Joan who reached out behind the scenes and attempted to gain a powerful friend for the couple to secure jurors who would look favorable upon them. Christine and Ellen were for the most part torn between men who tried to control them and needing men to help prosecute their cases in court effectively. Deprived of any legal heritage by Joan's continuous invectives, these women were backed into a corner and needed to rely upon the marriages their father

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<sup>243</sup> Ibid.

<sup>244</sup> Ibid., 30.

<sup>245</sup> Ibid., 38.

<sup>246</sup> Ibid.

<sup>247</sup> Ibid., 29.

<sup>248</sup> Harris, *English Aristocratic Women*, 61.

<sup>249</sup> Chris Phillips, "Public Records: Chancery and other equity suits," *MedievalGenealogy.org.uk*, Accessed March 28, 2017, <https://www.medievalgenealogy.org.uk/guide/cha.shtml>.

arranged for them. When Ellen's first husband died, she waited several years to remarry but as soon as she did the couple proceeded to attempt to divest power from her father-in-law who had been able to control the courts and therefore Ellen. While their success was ultimately caused by his untimely death, needing to get rid of his influence almost certainly played a role in her decision to remarry.<sup>250</sup>

That is not to say the law excluded women or their rights entirely. Even with Ralph Beller's control over Ellen, there was only so much he could do to alienate the property from her. In an indenture while his son James was still alive, the property Ellen inherited was entailed first to the children the couple had together, then to her children without James, then to the heirs of her family.<sup>251</sup> Women were often assumed to understand the law. Robert Armburgh appealed to Lady Ferrers about the illegality of his situation, on the assumption that she understood what he was referring to in the common law and could convey the information to her husband, from whom Robert needed help.<sup>252</sup> Not only were women taking active role in securing their own future behind the scenes, but men also assumed they would be able to take a role in convincing their husbands to take on legal action.

#### **Chapter Four: Husbands in Coverture and Court**

The husbands throughout the AP play an important part in the outcome of events. They were the ones who made legal appearances in courts, were more likely the ones making arrangements of patronage, and had the authority over their wives' property and estates. Each man's personality and circumstances affected the outcome of the court case, and his ability to fulfill lordship expectations greatly impacted his wife or widow.

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<sup>250</sup> Carpenter, introduction to *The Armburgh Papers*, 29-30.

<sup>251</sup> Armburgh et al., *The Armburgh Papers*, 190.

<sup>252</sup> Ibid., 115.

## Philip Kedington and Wills

Philip Kedington is an important figure in Joan's life as her first husband and the mother of her children. Neither her second nor third husband are mentioned as providing her with children, nor do either of them appear to have anything to bequeath at the end of their lives. Philip, on the other hand, seems to have been rather wealthy and left to his wife and son, Robert Kedington, a good amount of land and property.

Robert Kedington's letter to his godfather helps to clarify what role Joan played after her husband's death. As a wife, she was expected to be one of the executors of the will and to ensure that the children were provided for, although it was likely she had the help of someone close to Kedington. Philip left his trust to a man named Thomas Bendyssh, the godfather of Robert Kedington.<sup>253</sup> Robert alleged that he was kidnapped by this godfather and handed over to the Earl of Oxford, who acted as Robert's guardian although Philip had wanted his wife to maintain guardianship of their son.<sup>254</sup> Robert makes a particular point that Joan "was neuer in power to help ne fordere me ne none of here childryn in to this tyme."<sup>255</sup> Robert Kedington was upset that he should have been in the custody of his mother along with the rest of his siblings, and that a great disservice was done to the family that his mother was not rightfully his guardian. It is unclear from this letter whether or not Joan actually had purchased the wardship of her son, and it is entirely plausible that Bendyssh was doing the correct thing in handing him over to the Earl if that was Philip Kedington's lord or he paid for the wardship. According to Sue Sheridan Walker, "the mother had no right to the guardianship of her child" after her husband died.<sup>256</sup> In

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<sup>253</sup> Ibid., 90.

<sup>254</sup> Ibid., 91.

<sup>255</sup> Ibid., 91.

<sup>256</sup> Sue Sheridan Walker, "Widow and Ward: The Feudal Law of Child Custody in Medieval England," *Feminist Studies* 3, no. 3/4 (1976): 105, accessed March 11, 2016, <http://www.jstor.org/stable/3177730>.

fact, unless Joan had gained “*de facto* control of the child at the guardian’s discretion” or bought “the guardianship of the heir from the feudal overlord who had the right of custody” then legally she had no right to her son Robert.<sup>257</sup> What is interesting is that Robert Kedington assumed that his father wanted him to be in his mother’s custody, and that in taking young Robert away from Joan, Blendyssh betrayed Philip’s last will and testament. He thus implied that the issue was not Joan’s right to her own son but that the wishes of his father were not followed properly by the lords appointed to be executors with Joan.

### **Thomas Aspoll and Debt**

Thomas Aspoll’s debt has already been shown above to have been a major factor in Joan’s life and probably in her decisions to remarry and pursue access to the entirety of the inheritance. Although Joan most likely entered the marriage with Aspoll with a good amount of dower or at least a right to a well portioned dower, she had no control over it after she married Aspoll. Legally, under coverture, her husband could not totally alienate her property without her consent, but he was in charge of managing it and making sure the family did not fall into debt.<sup>258</sup>

His decision to go to war was also something that sent Joan more into debt than any mismanagement. Going off to war as part of the gentry meant being properly outfitted,<sup>259</sup> and it was in this endeavor that Thomas got into the most of his debt. If Richard Ketford,<sup>260</sup> the London merchant who attempted to sue Joan during her widowhood, was to be believed, Aspoll borrowed massively in London before heading off to war.<sup>261</sup> Joan was responsible for meeting

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<sup>257</sup> Ibid., 106.

<sup>258</sup> Butler, *Divorce in Medieval England*, 86-88.

<sup>259</sup> Michael A. Calabrese, “A Knyght Ther Was,” in *Chaucer’s Pilgrims: A Historical Guide to the Pilgrims in the Canterbury Tales*, ed. Laura C. Lambdin and Robert T. Lambdin (Westport: Greenwood Publishing Group, 1996), 6.

<sup>260</sup> Armburgh et al., *The Armburgh Papers*, 77.

<sup>261</sup> Ibid., 78.

with these creditors while her husband was away, both to secure more money, and later to start paying off the debts her husband was accruing rapidly.<sup>262</sup> This fits with Joan's actions regarding the prisoners of her husband as well, and it shows the communal understanding that because her husband was absent that his wife could be dealt with in his place and as his agent. While this did not give her the authority to make whatever changes or deals she wanted, it did give Joan a role in the economy and made her a vital link between her husband and their lords and tenants alike.

It is this independence that makes it hard to believe she would have married for a third time if she had not been in so much debt. She had been married to Aspoll for almost a decade by the time he died and left her with massive debts. But after a decade of a fairly absentee husband, it must have been hard for her to readjust to life with a husband who was present, especially if he took an active interest in lordship.

### **Robert Armburgh and Lordship**

Robert was the sort of man who socio-economically was likely to be married by a widow. He was most likely a second son, given his monetary relationship with his brother William who is presumably the eldest.<sup>263</sup> This can be seen in the letters that Robert sent to his older brother asking for money, which said he was "put to greet cost and haue borowyd moche good for the which I am lyke to be soule shamed but yf it be paid withynne short tyme" and needed his older brother to bail him out.<sup>264</sup> It was also possible that Joan and Robert married because they truly felt affection for one another, and if they did not when they got married it is likely that they did by the end of it. Robert stood to gain entirely from Joan's position in society as a widow and an heiress, and to come into a readymade position in another area.

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<sup>262</sup> Ibid., 78-9.

<sup>263</sup> Ibid., 102.

<sup>264</sup> Ibid., 103.

In marrying Joan, Robert took on many of the responsibilities of lord of the manor that were occupied by her previous two husbands had they been alive. He had to arrange an allowance for Robert Kedington as he waited to get his inheritance, something that it would not have been that hard to imagine a father doing for his own son to ease the tensions as the son waited to inherit.<sup>265</sup> Robert also became responsible for making sure the estates could pay to have Margaret, Joan's daughter, get married and to support her when her own husband could not outfit her properly for the birth of their first child.<sup>266</sup> Robert, in taking on a practical lordship inherited the debt of his predecessor as well as the children of Joan's first marriage, essentially taking on the role as paterfamilias or patriarch and provider.

Unfortunately for Joan, Robert would prove to be as practically ineffective as Thomas Aspall had been. Although multiple letters were preserved throughout the AP that detailed his attempts to gain lordship and control over the tenants, the sheer volume he had to send on any one issue was an indicator that he was not really in control of the situation. According to Coss, "to be shown respect...was a vitally important ingredient of esteem, for the lesser landowners as well as the great" which explains Robert's attempts to get his farmers to respect him.<sup>267</sup> He also was not good at keeping his accounts balanced during the long lawsuit, and had to write to his own brother to ask for money to fulfill his role as father and lord to Joan's children.<sup>268</sup> Most of his letters focus on a pair of farmers serving the family, Harpour and Barbour, whom he expects to collect rents and hand them over. But since "[lords], then, were often forced to relax conditions...to retain their tenants," Robert should have been focused more on appeasing his

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<sup>265</sup> Carpenter, introduction to *The Armburgh Papers*, 11.

<sup>266</sup> Armburgh et al., *The Armburgh Papers*, 103.

<sup>267</sup> Coss, "An age of deference," 43.

<sup>268</sup> Armburgh et al., *The Armburgh Papers*, 127.

tenants to keep them, especially because the estate was in financial constraints.<sup>269</sup> Robert's inability to understand this showed a particularly bumbling attempt at lordship. In fact, at times Robert has to appeal to other authorities to get his way with the tenants.

In the case of his nephew in particular there was evidence that he was not good at controlling what his farmers did, nor was he good at getting them to pay rents properly or to the right person. He had to write to the abbot of Merevale in 1450 to ask the abbot to step in after he had asked his tenants to stop paying rents to Reynold Armburgh, who had no right to them.<sup>270</sup> The year before in 1449 he had to send letters which detailed how his agents were to get the money away from Reynold Armburgh who had been collecting rents.<sup>271</sup> It seems that Robert did not trust his own nephew and in fact had problems cutting him out of the process even when it came to dealing with rents that Robert held only by right of his marriage.

Robert also accused one of his trusty farmers, Barbour, of paying rents to Reynold instead of Robert or his agent, even after Robert had given specific instructions.<sup>272</sup> While these particular letters all were written after the death of Joan, the tone and the greetings of "well beloved friends" suggest a closeness of a bond that a lord and his tenants would have had.<sup>273</sup> Robert probably established this during the lifetime of his wife, because like Thomas Aspoll, he gained control over the land upon marrying Joan.

This meant that for Joan, taking a third husband was another gamble. She had to balance what she wanted from a man against the fact that once she remarried she lost control of her property and independence in her life. Robert's ineffectiveness shows how much of a gamble it

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<sup>269</sup> Coss, "An age of deference," 69.

<sup>270</sup> Armburgh et al., *The Armburgh Papers*, 75.

<sup>271</sup> Ibid., 74.

<sup>272</sup> Ibid., 72.

<sup>273</sup> Ibid.



could be to wed a younger son, because his relationships betray either a lack of experience, a lack of training, or a lack of social finesse all of which were vitally important to the landlord. And particularly this must have been a point of contention with Joan during her life, that her independence was cut short by a remarriage that was more than likely necessary to pay off her debts.

### **James Bellers and Patronage**

James Bellers here can be a study for any of the husbands of Christine and Ellen respectively, as well as the other men in their lives including their father. For these two women one of the keys to winning their court case over and over was the access that patronage gave them into these legal institutions. While Joan was able to petition chancery, it was really James and his friends who were able to control the machines of the courts according to the AP. While Joan tried to create patronage networks after Robert failed to do so, James was protected in part by virtue of his father's social circle. James Beller's father was the escheator at Warwickshire who had Ellen and Christine declared of age and processed the paperwork.<sup>274</sup> Joan herself recognized the importance of these connections in her appeal to Lady Ferrers because she specifically mentioned the ties that the nieces had via their husbands to the offices of the escheator and the chancery.<sup>275</sup>

Ellen's choice of a second husband outside of the influence of her father-in-law also showed the ways in which having a patron was dangerous fire for a woman to be caught with, because she could easily become beholden to her patrons. Ellen used the lack of connection between Holt and Bellers to wrest back control of her property from the enfeoffments she made under Bellers' influence. Thus the ties left by her husband and the web into which he drew his

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<sup>274</sup> Ibid., 92.

<sup>275</sup> Ibid.

wife remained long after James died in France. For women, these networks could either be the way to improve their situation, or a bad network which lacked real political strength at the upper levels and led a wife to be unable to pursue her claims to property or legal disputes.

### **Chapter Five: Women's Agency and Practical Lordship**

The case presented by the AP is all about the role that women in the late medieval period had in determining their own fate. Joan, Ellen, and Christine all operated in their own ways to attempt to secure the life they believed to be rightfully theirs. They each came at the question from very different perspectives and with different tactics, but ultimately this dispute centered around the rights women had to land.

#### **Widowhood and Wards**

Widowhood could be a source of independence and lordship for women, although it depended upon the circumstances of their widowhood. They were not necessarily guaranteed the right to their children, although there was some understanding of the importance of mother-child bonds.<sup>276</sup> But the role of a widow was also vulnerable because without a male guardian she was subject to mistreatment by other lords by force.

Joan for instance was a widow who should have retained control over considerable lands through her dower, inheritance, and control of her son. Certainly, Robert Kedington, as indicated above, believed that his mother should have raised him. He went as far as to say it was detrimental to his health to have been kept as a ward by the Earl of Oxford. This indicates that for Robert and many other men, the widow was the one expected to keep the family together and running smoothly until her son came of age. This can be seen in various figures, from Blanche of Castile to Eleanor of Aquitaine and now can be seen failing in the life of Joan Armburgh. Joan is

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<sup>276</sup> Butler, *Divorce in Medieval England*, 115.

unable to control the lords left behind by her first husband and subsequently has to make two different marriages, both to men who seem to be worse than Joan at lordship.

### **Absentee Husbands**

Absentee husbands, as presented in this case, provided the most interesting cases of female lordship on a practical level. While Thomas Aspoll was away, he left to his wife many of the responsibilities typically seen as outside the scope of women. She was out gaining credit for her husband and attempting to pay off debts with the creditors at the same time.<sup>277</sup> She also was responsible for helping him when it came to martial law, having to know what it meant that his prisoner was released without ransom and what authorities to approach in the meantime.<sup>278</sup> When husbands were absent, it was a test of their wives' ability to maintain lordship over the estates that determined how successfully he could leave for extended periods of time.

That women were entrusted with these roles instead of a male steward or some other male servant indicated both a class-based level of trust outranking gender concerns. It also indicated that medieval noblewomen had a vast and extensive education in order to be prepared for whatever form of lordship they had to pursue in any given week. During the Hundred Years' War no mother could accurately predict if her daughter would face questions about military law, and yet it was her job to make sure she was prepared no matter what came at her in the absence of a husband. Without a form of rapid communication and in cases where decisions had to be made rapidly, it seems clear that women, if they were the only adults left of a certain class, were the ones to be trusted with keeping things running smoothly.

### **Partnerships**

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<sup>277</sup> Armburgh et al., *The Armburgh Papers*, 79.

<sup>278</sup> Ibid., 75-6.

Barbara Hanawalt argues that in peasant life, the partnership marriage was one of divided and conquered labor but with a sort of respect for both.<sup>279</sup> This cannot apply perfectly to noblewomen as they had to move between the role of wife and the role of lord. It could be better illustrated as an apprentice and master relationship, where the husband trusted his wife for a short time in his absence to run things until he got back. This role as a junior partner helps to explain the varied education that women during this period received at the upper levels. They simply had to learn about a wide array of subjects, including those fields in which they ostensibly had no business, like law courts, in case they were left to run the show without a man.

All of this emphasis on the roles that women played without their husbands is not to discount the important role of the partnership of marriage, especially in legal disputes.<sup>280</sup> Not only are couples always listed together, but they would both have had to work together in this case to build up evidence against the other. Ellen had to rely on her husbands to secure patronage to build the case that way, because they could call on authority. Joan on the other hand could not rely on her husbands for patronage and she seems to have been the one guiding the decisions at the legal level. Her voice in letters is both more vicious and more effective, and it appears as if the beginning account was probably hers based on tone and emphasis on vengeance.

While Joan was certainly a partner with her husbands, she could never be an equal one.<sup>281</sup> Instead it was the social aspects, as opposed to the legal ones, in which Joan was able to really contribute in the ongoing legal battles they waged together. Joan's attempts to secure patronage also indicate that in certain circumstances in a marriage if a husband was not deemed sufficiently capable his wife could step in to make sure the job ran smoothly. This partnership was the

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<sup>279</sup> Hanawalt, *Ties that Bound*, 205.

<sup>280</sup> Ibid.

<sup>281</sup> Ibid.

foundation upon which widows were able to build their role and upon which husbands relied when they went away from the property.

Joan was not the only gentry woman of this period to be shown in a marriage of trust and partnership. The Paston women's lives are another example of the ways in which absentee husbands had to rely on the partnership of their wives to secure things as best they could.<sup>282</sup> In the early modern period, when Henry VIII went to war he left behind his wife Queen Katherine of Aragon as a regent, and she ended up having to defend the realm against the armies of the Scots and defeated their longstanding enemy.<sup>283</sup> Thus women at both the upper ends of society and the lower ends appear to have had partnership marriages, albeit of different sorts.

### Conclusions

The Armburgh case displays the story of three very strong women who fought for what they thought was theirs and were unafraid to use both legal and extralegal methods to make sure they got what was owed to them. What is remarkable about Joan and Ellen in particular is the way in which they operated to ensure their own success and did not let the men in their lives dictate them, instead using their husbands to achieve their own goals.

Joan especially wrote her own story, and it is her retelling that survives and compels further study. She was unafraid to present her own petitions into chancery to make sure she was heard, and she was unafraid to assert her rights and her knowledge of the law to frighten her enemies. Joan was not merely content to let people take advantage of her widowhood or wait for her husbands to accomplish what she believed needed to be done.

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<sup>282</sup> Jennifer Ward, *Women in England in the Middle Ages*, (London: Hambledon Continuum, 2006), 38-39.

<sup>283</sup> "The Six Wives of Henry VIII: Catherine of Aragon," *Educational Broadcasting Association*, 2003, [http://www.pbs.org/wnet/sixwives/meet/ca\\_handbook\\_role.html](http://www.pbs.org/wnet/sixwives/meet/ca_handbook_role.html).

Joan's immense pride in her matrilineal inheritance, and the desperate attempts of Ellen and Christine to restore their reputation of the same matrilineal inheritance, both speak volumes to the importance of interfemale relationships during the period. When Joan was in desperate need of patronage she turned to a female kinswoman to seek help from someone further up the chain. Joan's emphasis on the role of women in land inheritance patterns should draw more attention to the role that women perceived themselves as having in society and at law. Joan saw a place for herself in the dispute and was unapologetic in staking out her territory. While she was not ultimately successful in her legal endeavors, the implications of a woman inheriting would become all the more important as the fifteenth and sixteenth centuries wore on.

It was this same principle of matrilineal inheritance that Henry VII would bring to the table through his mother Margaret Beaufort, would play up in that his children were also from Elizabeth of York's line, and that Henry VIII would look back to as an important partnership marriage. Henry VII used his mother's lineage as a member of the House of Lancaster to argue that he was the next heir to the Lancaster claim to the throne.<sup>284</sup> And when he married Elizabeth of York, he expected her claim to the throne by right of her father and brothers to be inherited by her sons.<sup>285</sup> Later on, Elizabeth I and Mary I, who would stake their claims to the throne as part of an inheritance from their father, have women like Joan and Ellen to thank. Their public battle over the property rights of women to landholdings of considerable value created a culture in which women could fight in some ways for what they were owed by society. It was not always a given in English society that a daughter could inherit property as great as the throne, as can be

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<sup>284</sup> Robert Bucholz and Newton Key, *Early Modern England 1485-1714: A Narrative History*, (Chichester: John Wiley & Sons, 2009), 41.

<sup>285</sup> *Ibid*, 44.

seen in the life of Empress Matilda.<sup>286</sup> Instead, Mary and Elizabeth could march on London because women like Joan went to the courts and chancery and demanded that they be granted what was willed to them, that they could govern what was theirs, and that no man could try to cheat it away from them.

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<sup>286</sup> C. Warren Hollister, Robert C. Stacey, and Robin Chapman Stacey, *The Making of England to 1399*, (New York: Houghton Mifflin Company, 2001), 172.

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